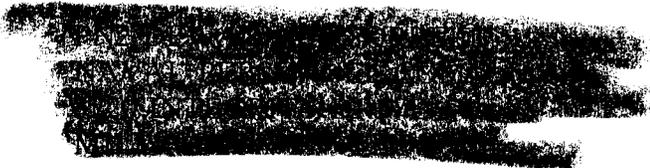




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 5253-02
1 October 2002



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 October 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5730 Pers 913 of 22 August 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5730
PERS 913
22 Aug 02

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF
██

Ref: (a) BCNR Memo of 29 Jul 02
(b) Our ltr 1306 PERS 913 of 22 Jan 02 (NOTAL)
(c) CNO WASHINGTON DC 211930Z DEC 01 NAVADMIN 336/01
(d) CNO WASHINGTON DC 271635Z MAR 02 NAVADMIN 074/02
(e) OPNAVINST 1160.6A
(f) Pers-913D E-mail memo of 19 Jul 02

Encl: (1) BCNR File 05243-02

1. Per reference (a), the following recommendation and comments are forwarded concerning PN2 Sorrell's request to approve his Selective Reenlistment Bonus (SRB) in conjunction with his conversion to the TAR program.

2. Petty Officer Sorrell was approved for a conversion from USN to USNR(TAR) in January 2002, per reference (b). At the time of his approval for conversion into the TAR program, the TAR Personnelman (PN) rating was authorized an SRB, per reference (c).

3. Conversion to the TAR program is effected on a monthly basis, with effective dates of conversion established when the number of personnel projected in a rating becomes less than the number of personnel authorized in that rating. Reference (b) established ██████████ conversion date during the month of August 2002 based on this projection. Regrettably, ██████████ was authorized conversion in January for a reenlistment in August, but in March 2002, reference (d) removed the TAR PN rating from the list of approved SRB ratings.

4. The procedures contained in reference (e) allow personnel who are in a formal training process for an SRB approved specialty to maintain eligibility for an SRB, even if

Subj: REQUEST FOR ADVISORY OPINION IN THE CASE OF

[REDACTED]

the SRB is removed from that specialty prior to the end of the training process. When new bonus levels are published, the message announcing the new bonus provides guidance for personnel whose SRB has been reduced or removed. In this case, reference (d) provided a 10-day grace period during which an individual could reenlist to remain eligible for the previously published bonus. This 10-day period ended in April 2002, four months prior to [REDACTED] authorized reenlistment month of August 2002. There are no other provisions to provide relief for someone who has been authorized reenlistment into a special program, such as the TAR program, if that bonus is later removed from the authorized list. In effect, TAR conversion does not guarantee an SRB authorization and SRB approval procedures outlined in reference (e) do not make an exception for PN2 Sorrell's situation.

5. We recommend disapproval of [REDACTED] request. Although from Petty Officer [REDACTED]'s perspective it may appear that he had been given a guarantee of eligibility for an SRB in exchange for his TAR conversion, no such guarantee was given or implied. The SRB process in his case was conducted in accordance with the appropriate policies and regulations, and we found no error or injustice on the part of the Navy. Under Navy policy, PN2 [REDACTED] has two options; he can either convert to the TAR program knowing he has no SRB entitlement, or he can decline the TAR conversion. Per reference (f), [REDACTED] has indicated his current intention is to decline TAR conversion.

6. Point of contact for this matter is PNCS C [REDACTED] at DSN 882-4508, comm (901) 874-4508.

[REDACTED]

By direction